

Notice of Allowability

Application No.

10/757,267

Examiner

Jessica T. Stultz

Applicant(s)

KUMAR ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments, RCE, and Remarks filed March 28, 2006.
2. ☒ The allowed claim(s) is/are 136-139, 141, 164-175 and 195-273.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Allowed Claims: 136-139, 141, 164-175, 195-273

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding independent claim 136, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including at least a partial coating adapted to polarize at least transmitted radiation, specifically including the steps of applying at least a first partial coating including an alignment medium to at least a portion of at least one exterior surface of an ophthalmic element and at least partially ordering the alignment medium, applying at least a second partial coating including an alignment transfer material and at least partially aligning the alignment transfer material, and applying a third partial coating including an anisotropic material and dichroic material and at least partially aligning a portion of the dichroic material.

Specifically regarding independent claim 141, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including imparting at least one orientation facility on at least a portion of at least one exterior surface of an ophthalmic element and forming at least a partial coating adapted to polarize at least transmitted radiation on at least a portion of the at least one orientation facility, specifically wherein the step of imparting the orientation facility includes the steps of applying an at least partial coating comprising an alignment medium to the at least one exterior surface of the ophthalmic element and at least partially ordering at least a portion of the alignment medium.

Specifically regarding independent claim 164, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including at least a partial coating adapted to polarize at least transmitted radiation, specifically wherein the step of applying the partial coating to an exterior surface of an ophthalmic element includes the steps of: applying an at least partial coating comprising an alignment medium, at least partially ordering the alignment medium, at least partially aligning a portion of the alignment medium, applying a dichroic material to the alignment medium, and at least partially aligning the dichroic material.

Specifically regarding independent claim 243, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including at least a partial coating adapted to polarize at least transmitted radiation applied to an exterior surface of an ophthalmic element, wherein the steps of applying the partial coating specifically includes the steps of applying an at least partial coating comprising an alignment medium, at least partially ordering the alignment medium, applying a dichroic material and an anisotropic material to the coating, and at least partially aligning the dichroic material.

Specifically regarding independent claim 267, none of the prior art alone or in combination disclose or teach of a method of making an ophthalmic element including imparting at least one orientation facility on at least a portion of at least one exterior surface of an ophthalmic element and forming at least a partial coating adapted to polarize at least transmitted radiation applied to an exterior surface of an ophthalmic element, specifically wherein the step of imparting the orientation facility includes the steps of applying an at least partially stretched polymer sheet to at the at least a portion of the at least one exterior surface of the ophthalmic

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element and wherein the step of applying the partial coating includes the steps of applying an at least partial coating comprising a thermotropic liquid crystal material and a dichroic material.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz
Patent Examiner
AU 2873
April 10, 2006



JORDAN SCHWARTZ
PRIMARY EXAMINER